

**DEQ Comments on Portland Harbor RD/RA Sequencing**  
**October 23, 2019**

DEQ has and continues to support initiating cleanup of the Portland Harbor Superfund site as quickly as possible to protect human health and the environment. To achieve this objective, DEQ sees the following considerations as key factors in implementing the selected remedy within the timeframe envisioned in the ROD:

- **Project uncertainties can and should be addressed during remedial design** – Additional data collection and studies may help reduce, but will never eliminate project uncertainties. Consistent with EPA’s letter to PRPs dated March 16, 2018, DEQ considers the currently available data, including the robust site-wide baseline sampling effort completed this year, to be sufficient for moving forward with remedial design and completing allocation. As is typical of sediment cleanups, the bulk of the costs of cleanup (over 80%) will be realized during the construction phase and the additional data collected during the early phases of remedial design should provide the cost-certainty parties need to begin Consent Decree negotiations well in advance of construction and minimize or eliminate delays between RD and RA.
- **Remedial action schedule and effectiveness may benefit from aligning design areas with the remedial action areas** - Given the remedial design documents are the blueprints for the cleanup, DEQ believes that there are multiple technical and practical benefits associated with linking the remedial design areas to the remedial action areas (and not grouping discrete remedial designs into larger remedial action area) that foster constructing effective remedies and avoid potential delays. DEQ understands that reducing the number of work areas during the remedial action phase from 19 to 8 may reduce EPA’s administrative and legal resource needs during Consent Decree negotiations, but questions whether it would actually expedite cleanup. This approach could, in fact, result in delays or inaction from parties reluctant to become responsible for implementing a remedial action that they did not design. Further, construction oversight has been demonstrated to be critical to effective sediment remedy implementation and the design Engineer of Record is generally best suited to select and oversee construction contractors. Regardless of the number of work areas, the sediment volumes and areas requiring cleanup will be the same. Therefore, the availability of specialized dredging equipment, construction of a transload facility, in-water work window constraints, and experienced project management are more important factors likely to drive the overall project schedule.
- **Project sequencing should prioritize areas of highest risk and exposure while also allowing willing parties at lower risk sites to move forward** – DEQ supports managing the site in smaller, more manageable work areas to allow for prioritizing those areas which pose the greatest risk or have the highest public use. Simultaneously overseeing 8 to 19 remedial designs throughout the Harbor is likely to strain EPA and partner resources, may reduce overall project efficiencies, and could even result in less robust designs if schedule is prioritized over outcomes. DEQ supports focusing resources on priorities to make immediate gains. By using enforcement tools where necessary to address priority areas and working with willing parties, significant progress can be made where it matters most without bogging down the entire cleanup process with technical or legal resource constraints. As stated in DEQ’s 2017 letter to EPA, the priority cleanup areas remain:

- Gasco - former gas manufacturing site where sediments are contaminated with PAHs and tar which are susceptible to river erosion
- Arkema - former pesticide manufacturing site where sediments are contaminated with dioxins/furans, DDT and other pesticides
- RM11E - upriver-most site with the highest concentration of PCBs in smallmouth bass
- Willamette Cove - former dry dock and industrial site where sediments are contaminated with PCBs and dioxins/furans that is currently used by a homeless houseboat community
- Cathedral Park – major City park where sediments are contaminated with PCBs and heavy metals

DEQ is pleased that the Gasco and RM11E early action sites are moving forward with design and that a remedial design agreement for Willamette Cove is nearly complete. However, Gasco is immediately adjacent to the Arkema site and the cleanup at these two sites must be closely coordinated. Therefore, remedial design at Arkema remains a top priority to ensure that the Gasco cleanup is not delayed. With the exception of these two areas, DEQ does not see a need to preferentially sequence the work areas from upstream to downstream or otherwise delay moving forward with any particular work area. Rather, DEQ agrees with EPA's response in the ROD responsiveness summary which identifies the high public use areas of Cathedral Park, Willamette Cove, and Swan Island Lagoon as a priority for limiting human exposure and supports moving forward with remedial design in these areas as quickly as possible.

- **Agency resources should be commensurate with the scale of the cleanup** – Whether there are 8 work areas, 19 work areas, or something in between, additional technical and legal resources are needed in order for these sites to be managed properly and without delay. EPA has committed numerous times, including at the public meeting on December 17, 2018, that due to the high priority nature of the Site and its listing on the Superfund Task Force Administrator's Emphasis List, EPA will ensure that Agency resources would not be a limiting factor in making progress towards remedial action. EPA currently has 4 remedial project managers, only one of which is dedicated to Portland Harbor full-time. This is wholly inadequate for a project of this scale and level of complexity. DEQ supports expanding the EPA project team and implementing the DEQ/EPA technical oversight protocol. Likewise, sufficient legal resources are needed to support ongoing and future party negotiations. After nearly 19 years of investigations and studies since EPA listed Portland Harbor on the NPL, EPA should take the necessary steps to ensure that legal resources are available to negotiate the appropriate number of Consent Decrees to expeditiously implement the remedial designs.

Given these considerations, DEQ supports a phased project implementation plan that fully acknowledges the technical and practical limitations that drive project schedule, prioritizes cleanup areas, and dedicates the resources necessary to minimize schedule delays for timely construction implementation.